DETAILED ACTION

1. This Office action is responsive to the amendment filed September 9, 2011. The amendment contains claims 1-41, all reviewed, and rejected.

Response to Arguments

2. Applicant's arguments filed October 8, 2010 have been fully considered but they are not persuasive.

In regard to Cook reference the applicant submits that Cook has been effectively antedated and therefore is not valid prior art against Applicant's claims. The examiner strongly disagrees. In the previous Office actions (dating 10/5/05, 9/8/06, 3/13/07, 11/14/07, 8/20/08, 4/1/09) it have been indicated that the affidavits/declarations/exhibits are ineffective to overcome Cook et al (USP 5727950) reference.

Cook has been incorporated with Farley et al to teach the languages of claims 5-6, 12-13, 15, 17, 18 and 20. The previously submitted affidavits/declarations/exhibits fail to provide support for claims 5, 6, 12, 15, 17 and 20, that is, the first level of sophistication comprises a first type of voice associated with a first textual content and/or the second level of sophistication comprises a second type of voice associated with a second textual content. Furthermore the previously submitted affidavits/declarations/exhibits fail to provide support for claims 13 and 18, that is, the two levels of sophistication include a first level comprising a first character and a second level comprising a second character.

The MPEP states:

> "The affidavit or declaration and exhibits must clearly explain which facts or data applicant is relying on to show completion of his or her invention prior to the

particular date. Vague and general statements in broad terms about what the exhibits describe along with a general assertion that the exhibits describe a reduction to practice 'amounts essentially to mere pleading, unsupported by proof or a showing of facts' and, thus, does not satisfy the requirements of 37 CFR 1.131 (b). In re Borkowski, 505 F.2d 713, 184 USPQ 29 (CCPA 1974). Applicant must give a clear explanation of the exhibits pointing out exactly what facts are established and relied on by applicant..." (MEPE 715.07, section I).

In regard to Farley reference

Applicant's arguments fail to comply with 37 CFR 1.111(b) because they amount to a general allegation that the claims define a patentable invention without specifically pointing out how the language of the claims patentably distinguishes them from the references. The applicant fails to point out and comment or compare why the examiner's cited section from Farley does not teach the current claimed subject matter. The applicant instead comments and compares the general nature of Farley's invention with the current invention. For example, the applicant states that Farley discloses essentially what could be considered a combination of a knowledge base and an expert system. Farley's disclosure describes a knowledge base being filled up with informational units that are related to certain topics and subtopics. See Farley, Figure 4, for the knowledge base structure. It is a relational database such that there is also pre-coded cross-referencing between information units. There is also a hierarchical index of the topics and subtopics. The applicant then concludes that Farley is not a presentation of subject matter to be learned with the concurrent availability of virtual tutors of different sophistication ready to assist learning the subject matter section at hand.

The examiner strongly disagrees; first of all, the argued language is not part of the claimed language. Secondly, no evidence was presented by the applicant that a

knowledge base and expert system are incapable of providing or generating a method as recited in the current claim, since the premise of the argument fails to provide evidence, the conclusion of the argument is not persuasive.

The applicant also argues that "…, Applicant's independent claims 1, 11, 16, all include limitations about those additional instructional options. Importantly, those options are "in at least first and second levels of sophistication", or "user-selectable", and "at any time and in any order". The claims also explicitly allow "concurrent presentation with the instructional information". Farley does not have this."

The examiner strongly disagrees. As given rejection below, Farley et al (Farley) relates generally to knowledge systems, and more particularly, to knowledge systems adapted for interactive learning, information retrieval, and problem solving in a specified subject area. Farley discloses the additional instructional options for said one or more sections including additional instructional information available to the user via the information processing device in at least first and second levels of sophistication, any of the at least first and second levels of sophistication being user-selectable via the information processing device, at any time and in any order. (e.g., As shown in Figs. 9 and 11, the available responses, options or level of sophistications includes "No", "yes" and "DON'T KNOW-EXPLAIN QUESTION". These options are available at various stages of the challenger sessions (also col., 16, lines 36-column 17, lines 47). As illustrated in several figures of Farley instructional information are concurrently displayed with a user selectable level of sophistications (see at least col, 16, lines 36-col. 17, lines 47, Figs. 9 and 11). In association with the above argument, it is noted that

the features upon which applicant relies (i.e., virtual tutor) are not recited in the rejected

claim(s). Although the claims are interpreted in light of the specification, limitations from

the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26

USPQ2d 1057 (Fed. Cir. 1993).

The applicant submits that Cook teaches "one or more agents executable on said

one or more computers, each set agent is associated with exactly one of said students

and each said student is associated with that exactly one of said agents". Cook

automatically acts (compare Applicant's claims allowing the student act). Thus, this

explicitly differs from Applicants' independent claims which provide two different levels

of sophistication available at any time and in any order to the student at the student's

choosing. Therefore, it is respectfully submitted these claims are allowable over the

combination of Farley and Cook.

The examiner disagrees because Cook is combined with Farley to teach to teach

the first level of sophistication comprises a first type of voice associated with a first

textual content and/or the second level of sophistication comprises a second type of

voice associated with a second textual content. Since the argument is not directed to

the claimed language, it is not persuasive.

In regard to the USC 101 rejection, the applicant's argument is persuasive, that

is, the terminology used in claim 16 is effective to overcome a § 101 rejection.

Having fully dressed the applicant's arguments, the rejection is maintained and it

is a Final rejection.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –
(b) the invention was patented or described in a printed publication in this or a foreign country or in
public use or on sale in this country, more than one year prior to the date of application for patent in
the United States.

3.   Claims 1-4, 7-11, 14, 16, 19, 21-41 are rejected under 35 U.S.C. 102(b) as being

anticipated by Farley et al (US 5,257,185).

Farley et al (Farley) relates generally to knowledge systems, and more

particularly, to knowledge systems adapted for interactive learning, information

retrieval, and problem solving in a specified subject area.

With regard to claim 1:

Farley discloses a method of providing instruction to a user of an instructional

program (e.g., displaying a challenger window 120 (Fig. 8), wherein the challenger

window directs all challenging activities, including question display, response

selection and access to Super Ref (Information 134) content categories, col., 16, lines

15-35, also see column 12, lines 38-52)).

Farley discloses presenting an interactive instructional program to the user via an

information processing device, the program having a plurality of sections comprising

instructional information related to a subject (e.g., Fig. 8 shows the challenger window

as it initially appears. The selected challenger mode includes a plurality sections such

as the subject name 36, and higher level topic 38, the first topic question 126 also

shown, when answered, questions are replaced by new ones automatically. col., 16,

lines 22-35).

Farley also discloses making available to the user via the information processing

device additional instructional options related to the instructional information for one or

more sections in the program (e.g., ; Whenever a question appears, the user may

choose from four alternative courses of action (or options): (1) ask for a restatement of

the question for clarity or assistance in thinking it through, (2) view related Super Ref

knowledge before answering, (3) answer the question directly, or (4) not answer at all,

preferring instead to skip to other questions or topics first. For example, as shown in

Fig. 9, additional options of available responses includes "No", "yes" and "DON'T

KNOW–EXPLAIN QUESTION") (also column 16, lines 36-column 17, lines 47).

Farley also discloses the additional instructional options for said one or more

sections including additional instructional information available to the user via the

information processing device in at least first and second levels of sophistication, any

of the at least first and second levels of sophistication being user-selectable via the

information processing device, at any time and in any order. (e.g., As shown in Figs. 9

and 11, the available responses, options or level of sophistications includes "No",

"yes" and "DON'T KNOW–EXPLAIN QUESTION". These options are available at

various stages of the challenger sessions (also col., 16, lines 36-column 17, lines 47).

As illustrated in several figures of Farley instructional information are concurrently

displayed with a user selectable level of sophistications (see at least col, 16, lines 36-col. 17, lines 47, Figs. 9 and 11).

With regard to claim 2:

Farley also discloses that the first level of sophistication comprises information at a first level of comprehension(e.g., as shown in Fig. 11, in a challenger session, a user is selecting a "yes" (Fig. 11) response or level of sophistication (Col., 17, lines 22-36).

With regard to claim 3:

Farley also discloses that the second level of sophistication comprises information at a second level of comprehension (e.g., as shown in Fig. 9, in a challenger session, a user is selecting one other level of sophistication, "DON'T KNOW—EXPLAIN QUESTION", Once this is selected, one or more different, explanatory questions will be appear. Together these explanatory questions will assist the user in deliberately detailed thought process prior to answering the original challenger question, column 16, 57-66).

With regard to claim 4:

Farley also discloses the second level of comprehension is at a higher level than the first level of comprehension (e.g., Once the available option, "DON'T KNOW—EXPLAIN QUESTION" is selected, one or more different, explanatory questions will appear. These explanatory questions are a higher level help or assistance relative to the question being asked, a higher level knowledge will be gained. On the other hand a user can simply answer "yes" (first level comprehensive) with no explanatory assistance needed.

With regard to claim 7:

Farley teaches the first level of sophistication has short, plain language, summary fashion (e.g., see the available option or level of sophistication, "no", "yes" and "DON'T KNOW—EXPLAIN QUESTION" Figs. 8-11).

With regard to claim 8:

Farley teaches that the second level of sophistication has long, high educational, more complex language (e.g., one of the available option or level of sophistication, "DON'T KNOW—EXPLAIN QUESTION" when selected the challenger session provides detailed explanation about the question, Figs. 8-11).

With regard to claim 9:

Farley teaches that each level of sophistication has one detail of information attribute that differs from the other level of sophistication. (e.g., one of the available option or level of sophistication, "DON'T KNOW—EXPLAIN QUESTION" when selected the challenger session provides detailed explanation about the question, Figs. 8-11).

With regard to claim 10:

Farley teaches that information is presented to the user in a form perceivable by the user at least a third level of sophistication ("no", "yes" and ", "DON'T KNOW—EXPLAIN QUESTION" are at least the three options or level of sophistications, Figs. 8-11).

With regard to claims 11 (apparatus) and 16 (system):

The remaining independent claims, while not necessary identical in scope, contain limitations similar to independent claim 1 (method) and therefore are rejected under the same rationale.

With regard to claims 14 and 19:

Farley teaches that at least a three level of sophistications ("no", "yes" and ," "DON'T KNOW—EXPLAIN QUESTION" are at least the three options or level of sophistications, Figs. 8-11).

With regard to claims 24, 31 and 38:

Farley teaches the information comprises instruction related to the subject (Figs. 8-11).

With regard to claims 21, 28 and 41;

Regarding claims 21, 28, and 41, Farley does teach at least two sections of the program have additional instructional options and the number of levels of sophistication varies between the at least two sections (see Figs. 8-11, and also col., 16, lines 36-column 17, lines 47).

With regard to claim

Farley does teach at least two sections of the program have additional instructional options and the type of additional instructional information varies between the at least two sections (see Figs. 8-11, and also col., 16, lines 36-column 17, lines 47).

With regard to claims 23, 30 and 37:

Farley does teach at least two sections of the program have additional

instructional options and the number of levels of sophistication and type of additional

instructional information varies between the at least two sections.

With regard to claims 25, 32 and 39:

Farley does teach at least two sections of the program have the type of

additional instructional information varies between the at least two sections (see Figs. 8-

11, and also col., 16, lines 36-column 17, lines 47).

With regard to claims 26, 33 and 35:

Farley does teach at least one section of the program having no additional

instructional options (see Figs. 8-11, and also col., 16, lines 36-column 17, lines 47).

With regard to claim 27, 34 and 40:

Farley does teach at least one section of the program having an additional

instructional option at one level of sophistication (see Figs. 8-11, and also col., 16, lines

36-column 17, lines 47).

4.   Claims 5-6, 12-13, 15, 17, 18, and 20 are rejected under 35 U.S.C. 103(a) as

being unpatentable over Farley et al in view Cook et al ("Cook", US 5727950).

Regarding claims 5 , 6, 12, 15, 17, and 20, as described above (also col., 16,

lines 36 col., 17, lines 47) ,Farley teaches at least three levels of sophistication in

challenger session, that is, "no", "yes" and "DON'T KNOW -EXPLAIN QUESTION").

Farley further describes a student terminal having input means for student to control

the interface program and output means for the interface program to visually

communicate with the student is hard-wired of otherwise in communication with the

computer (col., 5, lines 58-column, lines 17). Furthermore, although Farley describes

presenting fully cross-references information in any form (text, full motion video,

graphics, and audio).

Farley, however, does not teach that the first level of sophistication comprises a

first type of voice associated with a first textual content and/or the second level of

sophistication comprises a second type of voice associated with a second textual

content. However, Cook teaches that plurality of voices/gestures/motions can be used

in the tutoring system (help information) (see col. 6, lines 13-16) depending on the

individual student. These voices/gestures/motions are associated with different help

agents of different levels. For example, "Study Buddies" level are on-screen agents for

grade schoolers, and coach level is on-screen agent of an adult (see col., 6 lines 1-5).

Thus, it would have been obvious to one of ordinary skill in the art at the time the

invention was made to use Cook's teaching of using plural voices associated with

plural agents for different help levels to provide first and second type of voices in

Farley's interactive system with the motivation being to provide customized,

individualized instructional helps to different students or people.

Regarding claims 13 and 18, as described above (also col., 16, lines 36 col., 17,

lines 47) ,Farley teaches at least three levels of sophistication in challenger session,

that is, "no", "yes" and "DON'T KNOW -EXPLAIN QUESTION"). Farley does not teach

that the first level of sophistication comprises a first character and a second level

comprises a second character. However, the use of characters, representative

character, agent, or avatar for providing instructional help is known in the art as taught

by Cook. Specifically, Cook teaches an agent based instruction system which provide student with virtual tutors or on-screen agents (col., lines 21-24). The on-screen agents can appear as living entities appropriate for level of a student (for example, "Study Buddies" are on-screen agents of grade schoolers (first character for first level) or a coach is on-screen agent of an adult (second character for second level)) (see col. 5, line 67 to col., 6, line 12). Thus, it would have been obvious to one of ordinary skill in the art at the time the invention was made, to apply Cook's teaching of using different characters for different levels and/or different students to provide a first character and a second character for the two levels in Farley's interactive system or learning system with the motivation being to enhance customized and individualized instructional help method (Cook, col., 5, lines 12-19).

CONCLUSION

5.   Examiner has pointed out particular references contained in the prior arts of record in the body of this action for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and Figures may apply as well. It is respectfully requested from the applicant, in preparing the response, to consider fully the entire references as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior arts or disclosed by the examiner.

7.   Any inquiry concerning this communication or earlier communications from the

Examiner should be directed to Tadesse Hailu, whose telephone number is (571) 272-

4051. The Examiner can normally be reached on M-F from 10:30 – 7:00 ET. If attempts

to reach the Examiner by telephone are unsuccessful, the Examiner's supervisor, Kieu

Vu, can be reached at (571) 272-4057 Art Unit 2173.

/Tadesse Hailu/
Primary Examiner, Art Unit 2173
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